

REMARKS

These remarks are set forth in response to the Office Action". As this amendment has been timely filed within the three-month statutory period, neither an extension of time nor a fee is required. Presently, claims 1 through 21 are pending in the Patent Application. In paragraph 3 of the Office Action, claim 12 has been rejected as lacking antecedent basis under 35 U.S.C. §112, second paragraph. In response, the Applicant has amended claim 12 to overcome the Examiner's rejection. In paragraph 4 of the Office Action, claims 1, 4-6, 12-14, 16-18 and 20-21 have been rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 6,330,575 to Moore et al. ("Moore"). Finally, in paragraph 5 of the Office Action, claims 2, 3, 7-11, 15 and 19 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Moore alone and in combination in view of United States Patent No. 5,960,409 to Wexler and in view of United States Patent No. 6,058,417 to Hess.

In response, the Applicant respectfully traverses the rejections on the art as the Applicants believe that each of the cited references, whether considered alone or in combination with on another, fail to teach each and every recited limitation of the independent and dependent claims of the Patent Application. Prior to a more in depth discussion of the rejections on the art, however, a brief review of the Applicants' invention is appropriate. The Applicant has invented a method, system, and apparatus for assisting a website designer in establishing an arrangement between a first Web site being designed by the Web site designer and a second Web site. *The arrangement is established to market the first Web site at the second Web site upon activation of the first Web site on the Internet.*

During the design of the first Web site, information indicating a type of marketing element can be received through a user interface. The information can specify, for example, marketing elements such as banner ads, links, or the like. The received information also can specify or identify the second Web site, at which the marketing element being described is to be displayed. The received information is saved within a database that is coupled to the user interface through which the information was received. The marketing element, particularly one of the type indicated by the received information, can be obtained. Thus, if a banner ad was indicated, a banner ad marketing element can be obtained. In any case, the marketing element is displayed at the second Web site when the first Web site is activated with respect to the Internet. That is, when the first Web site being developed is activated, the second Web site is altered to display the marketing element(s) specified by the developer when developing the first Web site.

Another embodiment of the present invention concerns a method of assisting a Web designer in establishing an e-commerce feature on a first Web site. A selection of an e-commerce feature – particularly at least one of a shopping cart or an auction – is received through a user interface. Further information such as information concerning a picture of a product to be sold, information concerning a written description of the product to be sold, information regarding the price of the product to be sold, and information regarding identification of the product can be received as well. When the first Website is activated on the Internet, the e-commerce feature is displayed. The display also can include at least some of the pictures, written description, price, and identification information for the product.

Turning now to the rejections on the art, Moore relates to a method for designing a Web page to be hosted on a Web page server. The development tool utilized in Moore can provide an

object-oriented, template-driven interface for a customer or merchant to utilize in the design of a Web page or a complete Web site. The Web site produced allows the merchant to become a part of a distributed electronic commerce system or Internet commerce system for doing business on the Web.

Notably, column 3, lines 30 through 40 of the Moore reference succinctly describe an aspect of the Moore technology at issue in the present Office Action. Specifically, in Moore a commerce system can be provided which can include a Web page server and a second server. The server can be electrically coupled to each other and the Web page server can host the Web page. The method of use of the commerce system can include creating a link to the second server; designing the Web page such that the link can be embedded into the Web page; and embedding the link into the Web page. Column 8, lines 39 through 50 further describe the advantages of the Moore commerce system which can include allowing a merchant to design, build, and publish a Web site in a short period of time.

Importantly, Moore completely lacks a critical element claimed within the Patent Application--specifically, during design of a first Web site, Moore fails to teach the receipt of information at a user interface which indicates a type of an element for marketing that is to be displayed at a second Web site, and information specifying the second Web site at which the element is to be displayed. Moore further fails to teach the step of causing the display of the element for marketing at the second Web site when the first Web site is activated with respect to the Internet. These fundamental claim limitations resonate throughout all of the claims of the Patent Application.

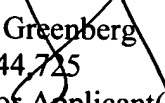
Hence, Moore is inapplicable under the present circumstances and cannot satisfy the basic requirements of the MPEP section 2131 which states, "A claim is anticipated *only if each and every element as set forth in the claim is found*, either expressly or inherently described in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628 (Fed. Cir. 1987). The Examiner will also note that, as required by Section 2143 of the MPEP, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references when combined must reach or suggest all the claim limitations. Yet it will be clear to the Examiner that no reference, including Wexler and Hess, when combined with Moore can satisfy the three basic criteria of Section 2143 at least because of the failings of Moore as a reference. Thus, Moore cannot support a rejection under 35 U.S.C. § 103(a).

In sum, the Applicants believe that the originally filed claims 1-21 distinguish over the cited art and stand patentable and ready for an indication of allowance. As such, the Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. §§ 102(e) and 103(a) based upon the foregoing remarks. This entire application is now believed to be in condition for allowance. Consequently, such action is respectfully requested. The Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

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Respectfully submitted,

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